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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UBS SECURITIES LLC and UBS LOAN  
FINANCE LLC,  
Plaintiffs/Counter-Defendants,

v.

THE FINISH LINE, INC.,

Defendant/Counter-Plaintiff,

and

GENESCO INC.,

Defendant.

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07 CV 10382 (LAP)

ORDER

LORETTA A. PRESKA, United States District Judge:

As the parties have been informed, Genesco's motion to compel UBS to produce solvency certificates that it, or any syndicate of lenders of which it is or has been a part, have accepted at any time since January 1, 1997, and to produce a corporate designee to testify concerning related topics as specified in Genesco's 30(b)(6) Notice of Deposition is denied.

UBS has produced some 65 solvency certificates constituting every solvency certificate for transactions from January 1, 2005 to present in which UBS was the sole, lead or co-lead bank for the transaction. First, a 3-year time period is sufficient. To require UBS to review over 1,000 different deals from all over the world and to locate and produce the solvency certificate provided in each one would be unduly burdensome, particularly in the truncated time frame required by this case. Second, and more

importantly, production of solvency certificates in transactions where UBS was not the sole, lead or co-lead bank would be of no relevance to this case because UBS had no input or control over the form of the solvency certificates required in those other transactions. Thus, those other documents would not lead to the discovery of admissible evidence in this case.

SO ORDERED:

Dated: February 20, 2008



LORETTA A. PRESKA, U.S.D.J.

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